BILL NO. G-75-12-/ 7

GENERAL ORDINANCE NO. G- 32-25

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Barr Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a portion of Barr Street having been filed with the Fort Wayne City Plan Commission on November 17, 1975, following a public hearing thereon, all in accordance with Section 44, Chpater 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat. 1974 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following portion of Barr Street, Fort Wayne, Allen County, Indiana, to-wit:

That portion of Barr Street from the north right-of-way line of Elizabeth Street, north to a point 18 feet south of the south line of Vacated Kamm Street. The northerly terminus also being the southline of said Barr Street previously vacated

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

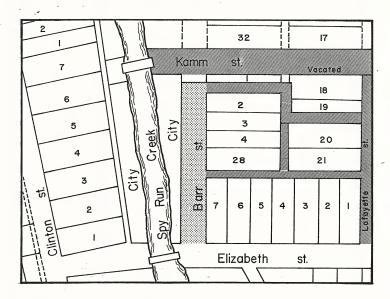
SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Juckers

APPROVED AS TO FORM AND LEGALITY,

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o'clock P.M., E.S.T.			1	1. 5 + 1
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		1	MAYOR	

Bill No.	G-75-12-17			
		REPORT OF THE COMMIT	REGULATIONS	
We, your	Committee on _		to whom was referred an Or	dinance
	amending G	eneral ORdinance No. G-9	7 by authorizing the vacation	of a
	portion of B	arr Street		
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have had	said Ordinance	under consideration and	beg leave to report back to	the Common
Council	that said Ordin	ance 10 PASS.		4 4
	John Nuckols		John Mul	Rel
	Vivian G. Sc	hmidt	Thirand &	Smidt
	Paul M. Burr	ıs	for home	my
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	CONCUR	RED IN		
DATE 12	33/15 CHARLES W.	WESTERMAN, CITY CLERK		



To be Vacated

Vacated

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## COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the City of Fort Wayne City-County Building One Main Street Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

That portion of Barr Street from the north right-of-way line of Elizabeth Street, north to a point 18 feet south of the south line of Vacated Kamm Street. The northerly terminus also being the south line of said Barr Street previously vacated.

which was approved by the City Plan Commission at its regular meeting held November 24, 1975.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this 26th day of November, 1975.

> Charles N. Hall Secretary

pr



## RESOLUTION

WHEREAS, INDIANA & MICHIGAN ELECTRIC COMPANY, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public streets and alleys in Allen County, Indiana, to-wit:

That portion of Barr Street from the north right-of-way line of Elizabeth Street, north to a point 18 feet south of the south line of Vacated Kamm Street. The northerly terminus also being the south line of said Barr Street previously vacated.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana,

Ind. Ann. Stat. \$53-744 (Burns' 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and

WHEREAS, said public hearing was held on November 17, 1975, at 7:30 o'clock P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public streets and alleys;

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne
City Plan Commission that the vacation of said public streets
and alleys hereinbefore described conforms to the general policy and pattern of development set out in the master plan of
the City of Fort Wayne, Indiana; and

BE IT FURTHER RESOLVED by the Fort Wayne City Plan

Commission that the vacation of said public street and alley
hereinbefore described be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the action of the Fort
Wayne City Plan Commission be forwarded to the proper governing
body having jurisdiction of the vacation of streets and alleys
in Allen County, Indiana.

STATE OF INDIANA	)	
	)	SS:
COUNTY OF ALLEN	)	

I, Vivian G. Schmidt , President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a RESOLUTION adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on November 17, 1975, and as the same appears of record in the official records of said Plan Commission.

Dated the 24th day of hovember, 1975.

Vivian G. Schmidt , President Fort Wayne City Plan Commission

Fort Wayne, Indiana TO: Plan Commission of the City of Fort Wayne The Common Council of the City of Fort Wayne The Board of Public Works of the City of Fort Wayne Gentlemen: Indiana & Michigan Electric Company, owner of real estate in the City of Fort Wayne, Allen County, Indiana, described as follows: Lot numbered 7 of Mowrer's Subdivision; lots numbered 1, 2, 3 and 4 of Hofer's Addition; and lot numbered 28 of Burgess, Zollinger & Kamm's Addition, all to the City of Fort Wayne, Indiana; constituting all the real estate abutting on the east side of the street herein sought to be vacated, respectfully petitions and requests that: 1. The Fort Wayne City Plan Commission hold a public hearing upon the vacation of the following described portions of streets and alleys within the City of Fort Wayne, Allen County, Indiana, to-wit: That portion of Barr Street from the north right-ofway line of Elizabeth Street, north to a point 18 feet south of the south line of Vacated Kamm Street. The northerly terminus also being the south line of said Barr Street previously vacated; all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §53-744). 2. Upon determination that the vacation of said public streets and alleys hereinabove described conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana, the Fort Wayne City Plan Commission approve the vacation of the said public streets and alleys hereinabove described pursuant to the provisions of the abovementioned statute. 3. The Common Council of the City of Fort Wayne enact an ordinance to amend the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council on Novem-

PETITION FOR VACATION OF STREET

ber 26, 1963, by authorizing the vacation of said public streets and alleys hereinabove described in accordance with the terms of Section 42, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §53-742), and the aforementioned Section 44 of Chapter 174 of the Acts of 1947.

4. The Board of Public Works of the City of Fort Wayne pass a resolution providing for the vacation of said streets and alleys as hereinabove described in accordance with the terms of Section 93, Chapter 129 of the Acts of 1905, as amended by Section 8, Chapter 188 of the Acts of 1909 and Section 1, Chapter 85 of the Acts of 1913 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §48-1902) and Section 97, Chapter 129 of the Acts of 1905 of the General Assembly of the State of Indiana (Ind. Stat. Annot. §48-2001).

Respectfully submitted,

INDIANA & MICHIGAN ELECTRIC COMPANY

Charles R Cogdell

LIVINGSTON, DILDINE, HAYNIE & YODER
425 Lincoln Bank Tower
Fort Wayne, Indiana
Attorneys for Indiana &
Michigan Electric Company



Mr. Owen Donnelly, Director Community Planning and Research City-County Building Room 980 Fort Wayne, Indiana 46802

Dear Mr. Donnelly:

As you are aware, Indiana & Michigan Electric Company, as the owner of all the properties on the east side of Barr Street north of Elizabeth Street, has petitioned the City for the vacation of said street. In so doing, it has been brought to our attention that the City has plans for a hiking trail along the banks of Spy Run Creek as part of a proposed River Greenway Plan.

It is our understanding that in order to effect such a plan, the City proposes to acquire title to or easements over Spy Run Creek frontage to a minimum of 25 feet from the highwater mark to an optimum of 200 feet. Inasmuch as the subject portion of Barr Street is within 200 feet of said high-water mark, the City is somewhat reluctant to consent to the vacation thereof.

In view of the foregoing and in order to induce the City to consent to and grant said vacation, Indiana & Michigan Electric Company will grant a right-of-way and easement to the City for said proposed Greenway Plan across part of vacated Barr Street as follows:

A part of the southeast guarter of Section 35, Township 31 North, Range 12 East, Washington Township, Fort Wayne, Indiana, and further described as follows: That part of (vacated) North Barr Street beginning at the intersection of the north line of Elizabeth Street and the west line of said North Barr Street; thence extending north along said west line of North Barr Street, a distance of 147 feet; thence extending southeasterly a distance of 155 feet, more or less, to the intersection of the north line of said Elizabeth Street and the east line of said North Barr Street, last said point also being the southwest corner of Lot No. 7 in Mowrer's Subdivision; thence extending west a distance of 50 feet to the place of beginning.



Mr. Owen Donnelly, Director Page Two

Indiana & Michigan Electric Company also recognizes that the City desires to acquire a right-of-way across certain real estate of I & M fronting on Spy Run Creek and commonly referred to as its Spy Run Complex, such strip constituting the real estate west of a line 25 feet equidistant from the top of the high-bank adjacent to an existing I & M chain-link fence running along said creek beginning at a railroad spur on the south and following the meanderings of said creek to the Cityowned property along Clinton Street on the north. Upon the formalization of the plans and the funding of such Greenway Project, we will, as a further inducement to the City to grant said vacation, grant a right-of-way and easement, provided, however, that the Indiana & Michigan Electric Company is compensated in full for any and all expenses connected with the transfer or relocation of any equipment or structures, including but not limited to, fences, poles, guylines, towers, lines, railroads and buildings, which would, in the opinion of I & M, be required to be transferred or relocated in the granting of such an easement. Furthermore, we shall set back all proposed future structures a sufficient distance for said strip to avoid unneccessary additional expenses which might otherwise result.

The City has also acknowledged recognition that I & M will be constructing a new tower line to connect to a proposed 138 KV Substation which will necessitate the granting of an easement across City-owned real estate within said Greenway Plan adjacent to the Spy Run Complex. Accordingly, I & M agrees that it will construct such tower an optimum of 25 feet from the top of the bank of Spy Run Creek in return for the granting of such easement by the City.

Very truly yours,

Richard C. Menge Division Manager Tumber a d by Dave Keller's office: # 4010 Admn. Appr.\_\_

DIGEST SHEET

TITLE OF ORDINANCE Street vacation ordinance /d-13-12-17.
DEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSION
SYNOPSIS OF ORDINANCE_Petitioners are requesting the vacation of the following
described street:
That portion of Barr Street from the north right-of-way line of Elizabeth
Street, north to a point 18 feet south of the south line of Vacated Kamun
Street. The northerly terminus also being the south line of said Barr Street
previously vacated.
<u> </u>
EFFECT OF PASSAGE When vacation, street will be utilized by abutting property owners.
EFFECT OF NON-PASSAGEStreet will remain as is.
MONEY INVOLVED (Direct Costs, Expenditures, Savings)
<u> </u>
*
ASSIGNED TO COMMITTEE (J.N.) Nyulations



## CITY OF FORT WAYNE

FORT WAYNE, INDIANA

## CHARLES W. WESTERMAN CITY CLERK

December 30, 1975

Miss Helen Libbing Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of January 2 and January 9, 1976, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, Indiana

Bill No. G-75-12-16 General Ordinance No. G-31-75

Bill No. G-75-12-17

General Ordinance No. G-32-75

Bill No. G-75-12-20 General Ordinance No. G-33-75

Bill No. G-75-12-21 General Ordinance No. G-34-75

Bill No. G-75-12-30 General Ordinance No. G-35-75

Please send us five (5) copies of the Publisher's Affidavit from both newspapers. Thank you.

Sincerely,

Charles W. Westerman

City Clerk

CWW/ne ENCL: 4

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AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Barr Street. BE IT ORDAINED BY THE COM-	COST					
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Read the third time in full and on molion by Nuckols, seconded by V. Schmidt, and duly adopted, placed on its passage. PASSED by the following vote: Ayes: Nine: Burns; Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stler, Talarico; Nays: None. Date: 12:23-75.			N	EWS-SENTINEL		
Date: 12-23-75. Charles W. Westerman, City Clerk. Passed and adopted by the Common	OPY OF ENT HERE	in the English lang	uage in the city \	FORT WAY!	general circulation prin NE, INDIANA	ted and published
Council of the City of Fort Wayne, In- diana, as Genreal Ordinance No. G-32- 75 on the 23rd of December, 1975. ATTEST: (SEAL)		in state and county	Town f "' aforesaid, and that	the printed matter attac	hed hereto is a true cop	y, which was duly
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1975, at the hour					the dates of	
er, Mories, Nuckon, D., Schmidt, W., Dalls 12:27, articles Nays: None. Dalls 12:27, articles Nays: Nays: None. Dalls 12:27, articles Nays: Nays: None. Dalls 12:27, articles Nays: Nays: None. Dalls 12:27, articles Nays: Nays: Nays: Nays: Nays: N	2000	as follows:				
Ivan A. Lebamoff, Mayor.	A Comment					
Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General					1. E. D	rken
Ordinance No. G-32-75 passed by the Common Council on the 23rd day of December, 1975, and that said Ordinance		Subscribed and swo	ru to before me this	9th	January	10 76 West
Mayor on the 29th day of December, 1975 and now remains on tile and on record in my office.	A LOS		C4 *	00 7000	Notary Public	
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of December, 1975. Charles W. Westerman, City Clerk. SEAL.	Anto Marco	My commission exp	ins Septemb	er 28, 1979		
SEAL. 1/2-9						

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Form Prescribed by S	State Board of Accounts	127	General	Form No. 99 P (Rev. 1967)
Fort Wayne Con (Gover	mon Council	11	ToJOURNAL-GAZI	ETTEDr.
Allen	County, Ind.	1	FORT WAYNE,	INDIANA
	1 1	PUBLISHER'S CLAIM	1	
LINE COUNT				
Display M	atter (Must not exceed two an four solid lines of the ty number of equivalent lines	actual lines, neither of w	hich shall total more advertisement is set)	
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Body nu	mber of lines			_91
Tail nu	amber of lines			_1_
To	stal number of lines in notic	e		93
COMPUTION OF CHA	ARGES			
93 <u>l</u> i	ines, 1 columns wide	e equals 93 equivaler	nt lines at •288¢	<u>26,78</u>
Additional amount)	charge for notices contain	ing rule or tabular work (	50 per cent of above	
Charge for	extra proofs of publication	(50 cents for each proof in	excess of two)	1.50
LEGAL NOTICE  Notice is hereby given that on the 2rd day of December, 1975, the Com- mon Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-75-12-17, G-52-75 GENERAL DRDINANCE NO. G-32-75 GENERAL DRDINANCE NO. G-32-75	TAL AMOUNT OF CLAIM G COST  ngle column 11 ems insertions. 2 on and penalties of Ch. 89, e foregoing account is just of the same has been paid, 19. 76		* 's	28.28
AN ORDINANCE amending General Ordinance No. 6-97 by authorizing the vacation of a portion of Berr Street. BE IT ORDAINED BY THE COM- MON COUNCIL OF THE CITY OF FORTWAYNE, INDIANA:	ngle column 11 ems	Size o	f type 5½ point	
of a portion of Barr Street having been tiled with the Fort Wayne City Plan Commission on November 17, 1975, following a public hearing thereon all in	insertions 2	Size of	f quad upon which type is	cast5.
accordance with Section 44, Chapter 174, of the Acts of the General Assem- biy of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of	on and penalties of Ch. 89,	Acts 1967,	•	
1963 of the General Assembly of the State of Indiana (Burns Ind. Stat. 1974 Replacement, Sec. 53-744), the Thor- oughtare Pian as set torth in General	e foregoing account is just of the same has been paid.	and correct, that the amo	unt claimed is legally du	ue, after allowing all just
Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the tollowing por- tion of Barr Street, Fort Wayne, Alien	-		aprill	) De Wald
County, Indiana, to-wit: That portion of Barr Street from the north right-of-way line of Elizabeth Street, north to a point 18 feet south of	, 1976		Title	CLERK
the south line of Vacated Kamm Street. The northerly terminus also being the southline of sald Barr Street previously vacated.		PUBLISHER'S AFFIDAVIT		
SECTION 2. After passage of this Or- dinance, approval by the Mayor and le- gal publication, a duty certified copy of this Ordinance, of the recommendation	Strice:	Indiana } ss:		
southine of said flars "Street previously a SECTION 2. After passage of this Or- age publication," a flar possage of this Or- gal publication, a day certified copy of this Ordinact, of the recommendation side, and of the action of the Mayer, side, and of the action of the Mayer, side, and of the action of the Mayer, side, and of the action of the Mayer, to the Board of Pholic Works of the SECTION 2. This Commance shall be SECTION 2. This Commance shall be the street of the second of the legislation thereof. In the second of the second of the second of the second of the second Schmidt, and day adopted, placed on Schmidt, and day adopted, placed on votes. Area this Burnt, Hings, Hunt- er, Marces, Nucleot, D., Schmidt, V. Date 12.97, "Meeterme, Child Con-	Person unders	ally appeared before me, a igned ARVILL/ me is	a notary public in and for A DEWALD w	said county and state, the ho, being duly sworn, says
In full force and effect from and after its passage, approval by the Mayor and legal publication thereof. John Nuckols, Councilman,	tiat s	JOURNAL-GAZET	TE	of the
Read the third time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, placed on its passage. PASSED by the following	OPY OF in the	AILY ne English language in the cit	wspaper of general circulary FORT WAYNE.	ation printed and published
er, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Taiarico; Nays: None. Date: 12-23-75.	ENT HERE in state	and county aforesaid, and	that the printed matter att	sched hereto is a true copy.
Passed and adopted by the Common Council of the City of Fort Wayne, In- diana, as Genreal Ordinance No. G-32- 75 on the 23rd of December 1975	as foll	was duly published in said pows: 1/2-9/76	aper for a time 5, th	e dates of publication being
THE ST OF DESCRIPTION OF THE ST OF T	-		anile	De Hald
of 4:00 o'clock P.M., E.S.T. Charles W. Westerman, City Clerk. Approved and signed by me this 29th day of December. 1975, at the hour of	Subscr	ibed and sworn to before m	e this 9th day of J	anuary 1976
9:00 o'clock A.M., E.S.T. Ivan A. Lebamotf, Mayor.		nmission expires Sept	Notary tember 28, 1979	Public
1, Charies W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certly that the above and foregoing is a tull. Irue and complete copy of General Ordinance No. G-275 passed by the Common Council on the 22rd day of December, 1975, and that said Ordinance	A) co	amission expires	20, 2/1/	、
Mayor on the 29th day of December, 1975 and now remains on tile and on record in				
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of December, 1975. Charles W. Westerman, City Cierk, SEAL. 1/2.9				

	by State Board of A		7.6	TO: 10		Form No. 99 I	
Cort Wayne (Go	Common Council overnmental Unit)		4.8	ToJOUH	NAL-GAZE	IIE	
Allen	Cou	nty, Ind.	3	FORT	WAYNE,	INDIANA	
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